

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 00-2

April 28, 2000

RE: May the governor and other state officials accept transportation to the Kentucky Derby from CSX?

DECISION: No, unless fair value is paid for the transportation.

This opinion is issued by the Executive Branch Ethics Commission (the "Commission") upon its own motion. This matter was reviewed at the February 25, 2000, meeting of the Commission and the following opinion is issued.

KRS 11A.045(1) provides that a state official should not accept gratuities from any person or business that lobbies or attempts to influence actions or decisions of the agency for which the official works or supervises.

The Commission has recently become aware that in past years CSX, a company registered to lobby the Governor's Office, has provided transportation for the governor, visiting dignitaries and other state officials, from Frankfort to Louisville to attend the Kentucky Derby. The Commission is unaware whether the use of the train was paid by the state or donated by CSX. However, in order to assist the governor and members of his staff from possibly violating the Executive Branch Code of Ethics, the Commission advises the governor and his staff not to accept from CSX a donation to provide transportation for the governor and members of his staff to the Kentucky Derby.

Employees of the Governor's Office should not solicit CSX to provide transportation for the governor or other state officials from Frankfort to the Kentucky Derby. Such transportation may be acquired from CSX provided CSX is reimbursed a fair value for the transportation. The Governor's Office is not prohibited from paying a fair value for the use of the train to promote tourism or to escort the governor, dignitaries, economic development prospects, and other state officials to the Kentucky Derby if such costs are determined to be a proper use of state funds for the promotion of the state.

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Additionally, employees of the Governor's Office should not solicit CSX to provide such transportation for individuals who are not state officials. If CSX decides to provide such transportation upon its own, without any solicitation by the Governor's Office, the governor may accept the transportation, but must pay CSX a fair value for the service. Neither the governor, nor anyone in the Governor's office, should accept free transportation to the Kentucky Derby from CSX.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Bertie Oldham Salyer, M.A., A.M.E.